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08/948,328 10/10/97 SIMPSON

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LM02/1228

EXAMINER

HQOSAIN, A

ART UNIT

PAPER NUMBER

2748

DATE MAILED:

12/28/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/948,328

Applicant(s)
Simpson et al.

Examiner
Allan Hoosain

Group Art Unit
2748



☒ Responsive to communication(s) filed on Reg. for Reconsideration, 11/15/99

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-27 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Withdrawal of Finality of Last Office Action

Applicant's request for reconsideration of the finality of the rejection of the last Office action, dated 11/15/99, is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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2. Claims 1-4, 7, 9, 11-12, 14-15, 18-20, 22-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Judson** (US Patent 5,572,643) in view of **Hertz** (J. Acoust. Soc. Am., Vol. 72, No. 4, October 1982).

As to Claim 1,9,11-12,14,18-20, with respect to Figures 1-3, **Judson** teaches a computer system comprising:

a server, 14,16, coupled to the Internet (a data communication network), said server being programmed to execute advertisements and downloading sequences of program instructions for:

(a) obtaining advertisements (textual information) for forming messages for a plurality of subscribers, 12,

(b) performing a significant portion of text processing, but not a text to speech process, to convert the textual information of at least one of the messages to aural instructions, but not speech synthesizer instructions (Col. 6, lines 25-44), and

(c) transmitting the aural instructions, but not speech synthesizer instructions, over the data communication network (Col. 6, lines 28-35); and

a subscriber terminal, 12, for receiving the aural instructions, but not speech synthesizer instructions, via the data communication network, said subscriber terminal, 12, comprising an aural capability for playing the message, but not a speech synthesizer for synthesizing a speech waveform signal) representing the at least one message from the aural instructions, but not the speech synthesizer instructions (Col. 6, lines 1-12 and 32-35).

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The primary reference teaches converting text into aural sounds and thereby suggests a text to speech process with a speech synthesizer (Col. 6, lines 13-35). The secondary reference teaches speech synthesizer instructions and text to speech capability (Page 1156, Col. 1, lines 29-34, Page 1157, lines 22-40 and Figure 1). Since **Judson** and **Hertz** are in analogous text processing activities, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to add the text to speech capability of **Hertz's** invention to the text processing capability of **Judson's** invention for speech synthesizer instructions.

As to Claims 2,22-23,25, in addition to the information above, **Judson** further teaches a computer system as in claim 1, wherein the server includes means for transmitting the aural instructions, but not speech synthesizer instructions, over the Internet (a packet switched data network) (Col. 1, lines 59-67). The primary reference teaches converting text into aural sounds and thereby suggests a text to speech process with a speech synthesizer (Col. 6, lines 13-35). The secondary reference teaches speech synthesizer instructions and text to speech capability (Page 1156, Col. 1, lines 29-34, Page 1157, lines 22-40 and Figure 1). Since **Judson** and **Hertz** are in analogous text processing activities, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to add the text to speech capability of **Hertz's** invention to the text processing capability of **Judson's** invention for speech synthesizer instructions.

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As to Claim 3, in addition to the information above, **Judson** further teaches a computer system as in claim 1, wherein the terminal further comprises a programmable central processing unit and an interface coupled to the programmable central processing unit for communication via the Internet (data network) (Figure 2).

As to Claim 4,15, in addition to the information above, **Judson** further teaches a computer system as in claim 3, wherein the interface comprises a modem (Figure 3, label 50).

As to Claim 7, in addition to the information above, **Judson** further teaches a computer system as in Claim 1, further comprising an e-mail system for receiving e-mail messages for subscribers and supplying the e-mail messages as the textual information to the server for conversion and transmission to the subscriber terminal (Col. 6, lines 26-44).

3. Claims 5-6, 16-17, 21,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Judson** in view of **Hertz** as applied to claims 4,15,19 above, and further in view of **Wolff et al.** (US Patent 5,327,486).

As to Claim 5-6,16-17,21,24, **Judson** teaches a computer system as in claim 4, wherein the modem comprises a network, but not a wireless network data modem (Col. 4, lines 33-35).

Judson teaches a modem connected to a network and thereby suggests that the network could be

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a wireless network. **Wolff et al.** teach a lap-top computer which has a wireless network data modem (Figure 1). Since **Judson** and **Wolff et al.** are in analogous network activities, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to add the wireless capability of **Wolff et al.**'s invention to the network capability of **Judson**'s invention for a wireless data network modem.

4. Claims 8,10,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Judson** in view of **Hertz** as applied to claims 1,7,12 above, and further in view of **Meske, Jr. et al.** (US Patent 5,530,852)

As to Claims 8,10,13, **Judson** further teaches a computer system as in claim 7, further comprising a WEB site server, but not a news information server, said server being programmed to execute sequences of program instructions for:

storing profile information regarding news topics of interest to individual subscribers (Col. 7, lines 13-17);

receiving and storing web page information, but not news items, from one or more sources (Col. 7, lines 2-13);

comparing the stored news items to the stored profile information to identify news items of interest to each individual subscriber (Col. 7, lines 10-13);

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not addressing mail messages containing text information representing the items of interest to subscribers mail boxes in the mail system; and

transmitting the mail messages containing text information representing the items of interest to the mail system.

The primary reference, **Judson**, teaches accessing information and thereby suggests a news information server and sending and retrieving e-mail (Col. 7, lines 1-18 and Col. 8, lines 17-21). **Meske, Jr. et al.** teach a server which processes news information documents and using e-mail messages to transmit text information (**Meske, Jr. et al.**, Col. 6, lines 1-60). Since **Judson** and **Meske, Jr. et al.** are in analogous document retrieving activities, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to add the news source capability of **Meske, Jr. et al.**'s invention to the document capability of **Judson**'s invention for a news information server and e-mail messages with text information.

5. Claims 26-27 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Judson** in view of **Hertz** as applied to claim 14 above, and further in view of **Marsh et al.** (US Patent 5,848,397).

As to Claim 26, **Judson** teaches a communication terminal as recited in Claim 14, wherein said aural instructions, but not speech synthesizer instructions, are not in the form of MIDI (Musical Instrument Digital Interface). **Judson** teaches that the aural instructions are output via a multimedia speaker and thereby suggests a MIDI interface (Col. 7, lines 38-43). **Marsh et al.**

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teach a client computer which can output MIDI information (Col. 14, lines 8-14). Since **Judson** and **Marsh et al.** are in analogous client server activities, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to add the MIDI capability of **Marsh et al.**'s invention to the client capability of **Judson**'s invention for a MIDI interface.

As to Claim 27, with respect to Figures 1-3, **Judson** teaches a client server system comprising: a server coupled to a data communication network, said server being programmed to execute sequences of program instructions for:

(a) obtaining advertisements (textual information) for forming messages for a plurality of subscribers;

(b) performing some aural instructions, but not a significant portion of a text to speech process, to convert the textual information of at least one of the messages to aural instructions, but not speech synthesizer instructions, in the form of multimedia commands but not MIDI (Musical Instrument Digital Interface) commands, and

(c) transmitting the html aural instructions, but not speech synthesizer instructions, over the data communication network (Col. 6, lines 28-35); and

a subscriber terminal, 12, for receiving the html aural instructions, but not speech synthesizer instructions, via the data communication network, said subscriber terminal comprising an aural capability, but not a speech synthesizer, for playing aural signals, but not synthesizing a speech

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waveform signal, representing the at least one message from the html aural instructions, but not the speech synthesizer instructions (Col. 6, lines 26-44 and Col. 8, lines 3-21).

The primary reference teaches converting text into aural sounds using multimedia speakers and thereby suggests a text to speech process with a speech synthesizer and MIDI commands (Col. 6, lines 13-35). **Hertz** teaches speech synthesizer instructions and text to speech capability (Page 1156, Col. 1, lines 29-34, Page 1157, lines 22-40 and Figure 1). **Marsh et al.** teach a client computer which can output MIDI information (Col. 14, lines 8-14). Since **Judson**, **Hertz** and **Marsh et al.** are in analogous text processing activities, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to add the text to speech capability of **Hertz's** invention and the MIDI capability of **Marsh et al.'s** invention to the text processing capability of **Judson's** invention for speech synthesizer instructions and MIDI commands.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Houser et al. (US Patent 5,774,859) teach a system for accessing multimedia information with speech synthesizer instructions.

7. **Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5403 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA.,
Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 7 am to 5:30 pm.

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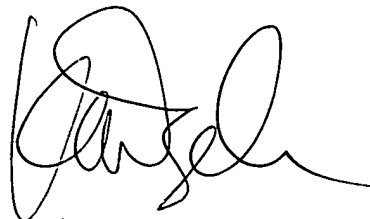
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Krista Zele**, can be reached on (703) 305-4701.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Allan Hoosain AH

Patent Examiner

December 9, 1999

A handwritten signature in black ink, appearing to read 'K. Zele', with a stylized, cursive script.

**KRISTA ZELE
SUPERVISORY PATENT EXAMINER
GROUP 2700**